



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Abbas *et al.*

Appl. No. 09/903,508

Filed: July 13, 2001

For: **Transformation Systems for  
Flavinogenic Yeast**

Confirmation No. 3856

Art Unit: 1636

Examiner: Lambertson, D.

Atty. Docket: 1533.0830003/MAC/MBT

**Request for Withdrawal of Previous Office Action**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

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AUG 13 2003

TECH CENTER 1600/2900

In reply to the Office Action dated **June 30, 2003**, (PTO Prosecution File Wrapper Paper No. 17), Applicants submit the following Request.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 19-0036.

The examiner noted on Page 4, paragraph 1 and 2 that an Information Disclosure Statement (IDS) filed December 17, 2002 was considered. The examiner additionally stated on page 4, paragraph 2, that the references that were filed with the IDS filed July 18, 2002 were lost in the Patent Office and several attempts to locate them had been

unsuccessful. The examiner stated that "rather than return a 16 page PTO-1449 completely crosses out, the examiner hopes that this information will prompt applicants to resubmit the references for consideration along with a response to this Office Action. An electronic filing, as performed on December 17, 2002 would be favorable."

Additionally, the applicants filed an IDS electronically on June 3, 2003 and by courier on June 12, 2003, both of which were filed prior to the Office Action mailing date of June 30, 2003. Signed copies of the PTO-1449 forms were not present in the Office Action mailed June 30, 2003, indicating consideration of the references.

Since the references submitted to the U.S. Patent and Trademark Office (PTO) were not considered during the examination of the present application, the applicants request that the Office Action mailed on June 30, 2003 be withdrawn and a new Office Action be issued after the examiner has considered all the references submitted by the applicants. Since the non-consideration of the IDSs was an error on the part of the PTO, the applicants also respectfully request that a new Shortened Statutory Period be set, based upon the mailing date of the newly-issued Office Action.

The applicants also are enclosing copies of the IDSs and filing receipts and/or stamped postcards for previously filed on July 18, 2002, June 3, 2003 and June 12, 2003.

The applicants are not filing the references electronically, as suggested by the examiner, because of the presence of non-U.S. patent literature and non-patent literature, which currently cannot be filed electronically. Courtesy copies of the references for the IDSs filed on July 18, 2002 are also being submitted. It appears from the Patent Application Electronic Retrieval system (PAIR), that the IDS filed on June 12, 2003, was matched with the application file jacket subsequent to the mailing of the Office Action. Thus, it is

believed that the examiner is now in possession of the references for the IDS filed June 12, 2003, and courtesy copies of these references have not been supplied. If the examiner is in need of the June 12, 2003 references, the applicants will supply the references upon request by the examiner.

***Conclusion***

Reconsideration of this Application is respectfully requested.

Claims 1-31 are pending in the application.

Applicants respectfully request that the examiner withdraw the previous Office Action. Applicants believe that the present application is in condition for allowance. If the examiner believes, for any reason, that personal communication will expedite prosecution of this application, the examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Request for Withdrawal of the Previous Office Action is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: 8/11/03

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